## III. REMARKS

Applicant has amended the "Cross Reference to Related Applications" section of the application to update the information provided therein.

The Examiner rejects claims 1-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. No. 2003/0135478 A1 to Marshall, et al. ("Marshall"). For the reasons discussed below, Applicant respectfully submits that such claims are allowable over Marshall.

In claims 1-21, the claimed invention pertains to the management of space, for a database, within memory. Space management facilitates many of the features of the present invention.

> Space management, in accordance with the present invention, supplements that portion of the IMS program which manages space for HDAM and HIDAM databases. The space management process of the present invention is invoked under two different conditions: (1) during loading of a database; and (2) during subsequent updating of a database. The space management process allows database data to be stored in unique ways, based on user preferences, such as: with the prefix and data portions of segments split; with UOWs provided; and/or with root segments stored in fixed locations. As discussed above, having data stored in these unique ways, facilitates many of the features of the present invention.

Applicant's specification, page 24, lines 15-23. Applicant respectfully submits that Marshall does not disclose Applicant's claimed invention.

In particular, in reference to claim 1, Marshall does not teach a method involving "assuming control from an IMS program." Marshall further does not teach "passing control back to said IMS program." Marshall further does not teach "when said IMS program attempts to insert data into said IMS database, either during loading or updating of said database, reassuming control from said IMS program." In addition, Marshall does not teach "passing control back to said IMS program."

Marshall's teachings are <u>not</u> directed to "assuming control from an IMS program." Instead, Marshall's teachings are directed to "online reorganization of an existing database." Marshall, page 1, ¶ 11. Marshall's teachings are further directed to: "A computer-implemented method for online reorganization of an existing database <u>that occurs while read and update activity of the existing database continues . . . .</u>" Marshall, page 1, ¶ 12 (emphasis added). Marshall further states: "The present disclosure provides a system and method that allows reorganization of databases such as IMS databases <u>while allowing read and update activity to continue.</u>" Marshall, page 2, ¶ 33 (emphasis added). Marshall apparently accomplishes its goals by use of a "shadow database" which eventually replaces the existing database.

Thus, Marshall's teachings are not directed to assuming control from IMS, but instead of <u>allowing IMS to maintain control</u> and read and update an existing database, while at the same time a shadow database is created. On the other hand, in Applicant's claimed invention, space within a particular IMS database is managed, wherein after said IMS database is loaded, the method involves assuming control from IMS, passing control back to IMS, and when IMS attempts to insert data into that database, reassuming control from IMS. Marshall contains no teachings directed to such method steps, and, in fact, teaches away from assuming control of IMS database update activity.

Accordingly, claim 1 should be allowed over Marshall. Claims 2-21 should be allowed at least for the same reasons. With regard to claims 8-15 and 17-21, Applicant further notes that Marshall contains no teachings directed to "splitting said prefix component of said first segment from said data component of said first segment."

As stated above, Applicant has enclosed a copy of documents previously filed for recording a corporate name change attached hereto as <u>Exhibit A</u>. Therefore, Applicant respectfully requests that the Patent Office correct the current Assignee to NEON Enterprise Software, Inc.

## IV.  CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited.  Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, Examiner is requested to telephone the undersigned at (512) 370-2858.

Respectfully submitted,

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## CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, along with all attachments, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on July 2, 2004.

*Michael Adams*
Signature